

**MAYOR & COUNCIL
REGULAR MEETING
DECEMBER 21, 2020
6:30 p.m.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held remotely with Mayor Thomas Mulligan presiding. Mayor Mulligan called the meeting to order at 6:30 p.m.

Mayor Mulligan read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, indicating that the meeting would take place as a telephonic meeting only at 6:30 p.m. on this date.

Councilmembers Present

Melissa Burnside
Russell Greuter
Thomas Haynes
James Hurley
Patrick McDonald
Robert Smith, Council President

Councilmembers Absent

Borough Attorney Joseph J. Bell, IV., Esq., was also present.

Everyone present participated in the salute to the flag.

CORRESPONDANCE

Mayor Mulligan read one piece of correspondence from Owen Eastwood of I Gaming Media in London, England. Mr. Eastwood requested pricing information for ads on our website. Mayor and Council agreed this was something they were not interested.

COUNCIL/COMMITTEE COMMENTS

Councilman McDonald - Personnel Committee

No report.

Councilman Hurley - Finance and License Committee

Councilman Hurley reported that final bill run of 2020 has been completed.

Councilman Hurley provided updates on the various capital projects, including the Stabilization of the Stone Culvert over Fox's Brook and the Church Street Water Main Replacement.

Councilwoman Burnside - Fire Committee

Fire Department – Councilwoman Burnside reported that Tom Slockbower, who currently handles the smoke detector and fire alarm inspections, is retiring December 31, 2020. This position is self-funding a replacement needs to be hired for January 1, 2021.

Mayor Mulligan asked for a motion to hire a Fire Prevention/Inspection Official, at a salary within the salary ordinance, effective January 1, 2021.

Moved: Councilwoman Burnside		Seconded: Councilman Hurley			
Council Member	Yes	No	Abstain	Recuse	Absent
Councilwoman Burnside	X				
Councilman Greuter	X				
Councilman Haynes	X				

Councilman Hurley	X				
Councilman McDonald	X				
Council President Smith		X			

Library – Councilwoman Burnside reported that an offer extended by the Library Board of Trustees for a new Library Director has been accepted. Melissa Okerblom will start mid-January.

Downtown Development Committee – Councilwoman Burnside provided an update on the committee, including ongoing efforts to connect with business owners.

Councilman Haynes – Public Utility and Works Committee

Department of Public Works – Councilman Haynes reported that the Department of Public works completed a water main repair on Seminole Avenue and is now obtaining quotes to have the tree which caused the damage removed. Curbside pickup of Christmas trees will take place December 28, 2020 through January 15, 2021.

Councilman Haynes commended the Department of Public Works for their handling of the recent snow storm. William Hopler addressed snow removal concerns on Main Street with the County and the issues have now been resolved.

Councilman Haynes conveyed the Department of Public Works appreciation to residents for not keeping vehicles and portable basketball hoops off of the streets during the storm.

Councilman Haynes thanked Tom Slockbower for his 35 years of service to the Borough and wished him the best in retirement.

Board of Education – Councilman Haynes reported that the bid process is now underway for construction at both schools and that they are planning on going back to the hybrid model as of January 4, 2021.

Councilman Haynes requested a closed session to discuss a personnel matter.

Councilman Greuter - Public Safety Committee

Police Department – Councilman Greuter reported that the Police Department issued 24 summonses and made 3 arrests in the month of November.

Council President Smith - Ordinance Committee

Council President Smith requested an update on street lights that are out or at half capacity and stated that he believes some of these lights may be the responsibility of the Borough.

Councilman Haynes reported that JCP&L had already been notified and Administrator Patty Reiche will discuss with the Department of Public Works as well.

Council President Smith requested a closed session to discuss contract negotiations.

ATTORNEY'S REPORT

The Attorney reported that he researched two vacant properties discussed at the last meeting and reported his findings to the Administrator.

MAYOR'S REPORT

No Report.

ADMINISTRATOR'S REPORT

The Administrator reported that a new organizational chart, including the newly added positions within Department of Public Works, will be in effect January 1, 2021.

The Administrator reported that a shared services agreement with Rockaway Township for the cleanup and snow/ice removal at Park Lake has been drafted and is currently being reviewed.

The Administrator requested a closed session to discuss personnel issues.

CLERK'S REPORT

The Acting Borough Clerk announced that she passed her third class and has two classes remaining before she sits for the State Exam.

The Acting Clerk Borough reported that the Assistant Superintendent of the Department of Public Works requested quotes for the HVAC contract and received only one response. She requested that any suggestions for additional vendors to be contacted be submitted to her as soon as possible.

RESOLUTIONS (CONSENT AGENDA ITEMS)

Upon motion by Councilman Hurley, seconded by Council President Smith, and carried unanimously upon call of the roll, the following resolutions were adopted:

RESOLUTION 204-20: APPOINT PATRICIA REICHE AS BOROUGH BUSINESS ADMINISTRATOR/CHIEF FINANCIAL OFFICER COMMENCING ON JANUARY 1, 2021

WHEREAS, there is a need to fill the vacancy in the office of Business Administrator; and

WHEREAS, Patricia Reiche currently serves as interim Business Administrator/Chief Financial Officer of the Borough of Rockaway; and

WHEREAS, the Mayor and Council desire to fill the position of Administrator and hereby appoints Patricia Reiche to this position as Business Administrator/Chief Financial Officer as of January 1, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Rockaway, County of Morris and State of New Jersey as follows:

1. Patricia Reiche shall be appointed as Business Administrator/Chief Financial Officer as of January 1, 2021; and
2. The Mayor and Municipal Clerk are directed to execute a contract of employment as annexed to this Resolution and the Chief Financial Officer of the Borough of Rockaway hereby certifies that the funds necessary for the authorization and acceptance of the contract of employment of the Business Administrator/Chief Financial Officer as of January 1, 2021; and
3. The compensation for serving as Business Administrator/Chief Financial Officer as of January 1, 2021 shall be at a salary within the salary ordinance.

DATE: December 21, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

RESOLUTION 205-20: AWARD PROFESSIONAL SERVICES CONTRACTS (BOROUGH ENGINEER)

WHEREAS, the Borough of Rockaway has a need to acquire certain specified professional services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the budget duly composed and approved by the Mayor and Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that John K. Ruschke, PE, CME, CFM, Mott MacDonald, Inc. has not made any reportable contributions to a political candidate committee in the Borough of Rockaway in the previous year, and that the contract will prohibit John K. Ruschke, PE, CME, CFM, Mott MacDonald, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, a Certification for Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey as follows:

1. The Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract for the engineer for the period of January 1, 2021 through December 31, 2023; contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contract is hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contracts.
2. That this Contract is awarded without competitive bidding as professional services contracts under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such services are a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contract for the period commencing on the date set forth therein.
4. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.
5. That an executed copy of the Contract and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
6. That this resolution shall take effect immediately.

PROFESSIONAL SERVICES SCHEDULE

ENGINEER: John K. Ruschke, PE, CME, CFM
Mott MacDonald, Inc.
412 Mt. Kemble Avenue
Morristown, NJ 07960
(908) 238-5000

Period of performance January 1, 2021 through December 31, 2023.

Borough Engineer	\$130.00
Principals/Principal Project Managers/Principal Engineers	\$195.00 to \$205.00

Sr. Project Engineer/Sr. Project Architect/Sr. Project Manager/Sr. Project Geologist/ Sr. Project Scientist	\$155.00 to \$200.00
Sr. Specialist V/Sr. Designer V	\$135.00 to \$185.00
Sr. Inspector IV/V / Sr. Surveyor IV/V	\$120.00 to \$185.00
Project Engineer/Engineer IV/Project Architect/ Architect IV/ Project Manager	\$135.00 to \$200.00
Project Geologist/Geologist IV/Project Scientist/Scientist IV	\$110.00 to \$172.00
Engineer II/III /Architect II/III	\$105.00 to \$165.00
Specialist III/IV/Designer III/IV	\$85.00 to \$150.00
Scientist II/III/Geologist II/III	\$77.00 to \$125.00
Engineer I/Architect I	\$80.00 to \$120.00
Scientist I/Geologist I	\$70.00 to \$92.00
Inspector III/Surveyor III/Specialist I/II	\$75.00 to \$117.00
Assistant Surveyor I/II/Assistant Inspector I/II	\$80.00 to \$92.00
Technicians	\$64.00 to \$88.00
Administration/Project Support	\$66.00 to \$122.00

DATE: December 21, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, Patricia Reiche, CFO/Treasurer, of the Borough of Rockaway, in the County of Morris, New Jersey, do hereby certify that funds are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Engineer: John K. Ruschke, Matt MacDonald, Inc. 412 Mt. Kemble Avenue, Morristown, New Jersey 07960

For the purpose of: Award Professional Services for a Three-Year Contract (Engineer)

The funds are included in the Current Fund and Water Utility Fund Budget

Budget Line Item #'s: 01-201-20-165-201, 07-201-55-700-509, 07-201-55-700-510

DATE: December 21, 2020

BY: Patricia Reiche, CFO/Treasurer

PUBLIC PORTION

Mayor Mulligan opened the meeting to the public.

Joyce Freiermuth, 99 E. Flagge Street – Inquired about the smoke detector inspections. Ms. Freiermuth also inquired about the Downtown Development Committee, asking if the Business Owner’s Association has been contacted, which Councilwoman Burnside did reply was a part of the plan going forward. Ms. Freiermuth asked for clarification on the Park Lake agreement. Administrator Reiche explained as Park Lake is in both Rockaway Township and Rockaway Borough, both towns are involved in the maintenance and a formal agreement is being put in place.

Bonnie Hook, 23 Jackson Avenue – Councilwoman Burnside let Ms. Hook know that her previously stated concerns regarding Board of Health agendas and minutes on the Borough website had been and would continue to be followed up on by herself and the Acting Borough Clerk.

Ms. Hook inquired about large realtor signs hanging on Main Street. Administrator Reiche said she would follow up with the Zoning Official. Ms. Hook also voiced concern over some residents not shoveling their sidewalks. Councilman Greuter replied that if Ms. Hook provided addresses, he would follow up with the Police Department. Ms. Hook inquired whom is on the Downtown Development Committee and when public attendance might be permitted. Mayor Mulligan replied that committee is comprised of Councilman Haynes, Councilwoman Burnside, Councilman McDonald, Recreation Director O’Connor and Administrator Reiche and that, while it is in the early stages, the hope is to get to a point where community and business owners are involved.

There being no further comments, Mayor Mulligan closed the meeting to the public at 7:07 P.M.

CLOSED SESSION

RESOLUTION 206-20: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway in the County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Personnel (matter involving employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting)

3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: December 21, 2020

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Acting Borough Clerk

BY: Thomas Mulligan, Mayor

Mayor and Council went into closed session at 7:07 p.m. and resumed the public meeting at 7:29 p.m.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Approved: As Submitted

Kimberly Cuspilich, Acting Borough Clerk

Date: March 11, 2021